

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/HB 105 — Regulation of Smoking by Counties and Municipalities

by Health and Human Services Committee and Reps. Fine, Altman, and others (CS/CS/SB 224 by Rules Committee; Environment and Natural Resources Committee; Senators Gruters, Bradley, Farmer, Berman, Stewart, Rouson, Boyd, and Hooper)

The Florida Clean Indoor Air Act regulates vaping and tobacco smoking in public places in Florida. The legislative purpose of the act is to protect the public from the health hazards of secondhand tobacco smoke and to implement the Florida health initiative in Art. X, s. 20, State Constitution. Current law preempts the regulation of smoking to the state and does not allow counties or municipalities to regulate smoking. However, the law provides exceptions to allow school districts to regulate smoking on school property and local governments to impose more restrictive regulations on the use of vapor-generating electronic devices.

“Smoking” is defined in ch. 386, F.S., as “inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.”

The bill renames the Florida Clean Indoor Air Act the “Florida Clean Air Act” and expressly authorizes counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own, except with regard to the smoking of unfiltered cigars.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 30-7; House 105-10